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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,094	07/29/2003	Brian P. Giffin	14558.01	6379

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EXAMINER	
DEUBLE, MARK A	

ART UNIT	PAPER NUMBER
3651	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/629,094	GIFFIN, BRIAN P.	
	Examiner	Art Unit	
	Mark A. Deuble	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-3,5-8 and 14* is/are allowed.

6)☒ Claim(s) *9-13 and 15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cordia et al. (U.S. Patent No. 5,341,915), as in the paper of June 22, 2005.

Cordia et al. shows a method of delivering articles, which could be blanks, to a module by providing a first conveyor formed by sections 20 and 21 that sequentially receive articles in an end-to-end relationship. The first conveyor receives the articles when operating at a first velocity matching the velocity of the incoming blanks and then accelerates the blanks to a second velocity that matches the speed of a second conveyor 11 in response to the detection of a leading edge of the article with a photodetector P1 so that the articles may be transferred from the first conveyor to the second conveyor. After the article is transferred, the velocity of the first conveyor is reduced after a predetermined period of time in response to the sensing of the article by the photodetector so that the article on the first conveyor immediately adjacent the transferred article travels at a different velocity than the transferred article. The cycle is repeated for each article being transferred and is controlled by a controller 60 that calculates the delay time of the cycle. The calculation of the delay time would inherently be based on the length of the articles being transferred. Thus, Cordia et al. operates with all the steps required by claims 9-12.

In regard to the added limitation of claim 9, that the method include a step of repeating the detecting, accelerating, transferring and decelerating steps for each subsequent blank, Examiner generally agrees with applicant's characterization of Cordia et al. on page 11 of the reply filed October 26, 2005 that whether the phasing conveyors 22 and 25 are accelerated, decelerated, or maintained at the same velocity is determined as a result of the detecting step so that over a long period of operation, the first conveyor is not always accelerated in response to the detecting step. However, Cordia et al. still meets the added limitation of claim 9 that the detecting, accelerating, transferring, and decelerating steps are repeated for each subsequent blank because the claims do not require that the first conveyor is always accelerated in response to the detecting step. The claim only requires that the first conveyor be accelerated in response to the detecting step for a number of subsequent blanks. Under various normal operating conditions, a number of subsequent blanks would each be accelerated in response to the detecting step so the detecting, accelerating, transferring, and decelerating steps would be repeated as required by the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Long (U.S. Patent No. 5,129,641) in view of Cordia et al., as in the paper of June 22, 2005.

Long shows an apparatus for transferring blanks in a conveyance mechanism comprising a feeder hopper that receives a plurality of substantially identical blanks and sequentially dispenses them to a feeder conveyor 18b including upper and lower belts 20 and 24 with receiving and discharge ends and a nip point at the receiving end. The feed conveyor is operably coupled with the feeder hopper through the conveyor 18c to receive a plurality of planks dispensed from the feeder hopper. A servo motor that is capable of acceleration from a first velocity to a second velocity and deceleration from the second velocity to the first velocity is operably coupled with the feeder conveyor to drive the feeder conveyor. A carrier conveyor is positioned proximate the feeder conveyor so that a nip point between rollers 22 and 26 supporting upper and lower belts 20 and 24 is locates so that blanks may be fed from the feeder conveyor into the nip and received by the carrier conveyor. A photodetector 42B is positioned to detect the position of a leading edge of a given one of the blanks on the feeder conveyor as they approach the carrier conveyor. Thus Long shows generally all required by the claims except for a controller operably coupled to the servo motor and the blank detector which increased the speed of the feeder conveyor from the first velocity to the second velocity in response to the blank detector detecting the position of a given blank and to decrease the feeder conveyor from the second velocity to the first in response to the blank detector detecting the position of a given blank. However, Cordia et al. shows a conveyor system that employs a controller 60 operably coupled to a servo motor 64 of a feeder conveyor and an article detector P1 which increases the speed of the feeder conveyor from a first velocity to a second velocity matching the speed of a feeder conveyor 11 in response to the detector detecting the position of a given blank and to decrease the feeder conveyor from the second velocity to the first in response to the blank

detector detecting the position of a given blank. Cordia et al. teaches that that controlling the conveyors in this fashion advantageously allows a continuously moving stream of articles input to the feeder conveyor with any varied spacing to be precisely discharged at to a carrier conveyor at the speed of the carrier conveyor. Therefore it would have been obvious to provide the apparatus of Long with the control of Cordia et al. to ensure the precise discharge of blanks from the feeder conveyor. When this is done, Long would operate with all the steps required by claim 15.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Long in view of Cordia et al. as applied to claim 1-12 and 15-16, and 18-20 above, and further in view of Delsanto (U.S. patent No. 5,038,915), as in the paper of June 22, 2005.

Long and Cordia et al. show generally all the steps required by the claims except for the step of entering a blank length, first and second velocities into the controller of claim 13. However, Delsanto teaches that the length of each article in a conveyor of the type shows in long and Cordia et al. may be set into the controller formed by PLCs 80, 82, and 84 with an interface formed by a thumbwheel switch 70. Furthermore, first and second velocities are automatically entered into the controller from a tachometer 40 and motor output line 76. The length and velocities are used to calculate the length of the conveyor cycles. Delsanto teaches that this arrangement advantageously allows different length products to be transferred by the system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus of Long and Cordia et al. with the interface and controller of Delsanto. When this is done, the resulting apparatus would have all the structure required by claims 16-20 and operate with all the steps required by claim 13.

Allowable Subject Matter

6. Claim1-3, 5-8 and 14 are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md

GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER